

**Notice of Allowability**

Application No.

09/687,543

Applicant(s)

OHBAYASHI, MASAYUKI

Examiner

Samson B. Lemma

Art Unit

2132

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on July 22, 2005.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

### ***DETAILED ACTION***

1. The request filed on July 22, 2005 for a request for continued examination (RCE) under 37 CFR 1.114 based on patent application 09/687543 is acceptable and an RCE has been established. Accordingly, **claims 1-21** have been examined.
2. **Independent Claims 1 and 21 and dependent claims 2, 4, 5, 9-13 and 15-20** have been amended.
3. **No new claims have been** added.

### ***Allowable Subject Matter***

4. **Claims 1-21** are allowed.
5. The following is an examiner's statement of reasons for allowance:
6. With respect to **the independent claims 1 and 21** the art on the record, in particular **Takenaka et al discloses all the limitation of the previous limitation of the independent claims before they were amended.** However, the art on the record namely Takenaka et al does not disclose or suggest the amended limitation. As applicant persuasively argued, the amended limitation recites the patentably distinct features of the present invention. **Features of the recording/reproducing apparatus according to the amended claims are a first storage means (Hard Disk) and a separate second storage means (ROM) for pre-storing a formula that is unique to the recording/reproducing apparatus.** Further features of the invention according to the amended limitation are the generation of a predetermined value and the transformation of the predetermined value based on the formula. **The transformed predetermined**

Art Unit: 2132

**value is stored in the first storage means (Hard Disk).** An advantage of the presently claimed invention that the data stored in the first storage means (Hard Disk) cannot be reproduced when the first storage means is moved to another apparatus, because the other apparatus has another pre-stored unique formula. As far as the main reference on the record, Takenaka et al, is concerned, the data stored in HDD can be reproduced when the HDD is removed from original apparatus and attached another apparatus. This reproduction possible because the secret key Takenaka et al. is produced based on machine specific information generated during the installation process and, the machine specific **information and the secret key are stored in the same HDD.** Furthermore, when the entire copyrighted data stored in the HDD of Takenaka et al. is copied to a blank HDD having the same specifications, the copied data can be reproduced resulting copyright violation.

None of the prior art of record taken singularly or in combination teaches such features. **Accordingly, the submitted amended independent claims are patentably distinct over Takenaka et al or other prior art.** Therefore, for the reasons provided above, the amended **independent claim 1 and 21 are allowed.**

7. The dependent claims, being further limiting to the independent claims, definite and enabled by the specification are also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2132

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).

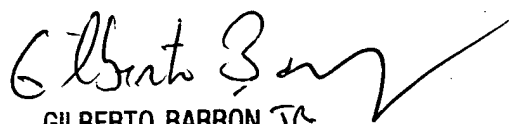
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**SAMSON LEMMA**

*S.L.*

10/14/2005



GILBERTO BARRON JR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

Art Unit: 2132

As applicant persuasively argued, the discharging process explained in column 9 on Moore et al. is mainly used to prepare the capacitor 30 for the next sampling and charging process. No expiry Signal is